

ENTERED

October 19, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

TOMMY ALLEN O'NEAL,

Plaintiff,

VS.

DEEANNE GALVAN, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:21-CV-86

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge Jason B. Libby's screening Memorandum and Recommendation (M&R) pursuant to the Prison Litigation Reform Act. (D.E. 11); *see* 42 U.S.C. § 1997e(c); 28 U.S.C. §§ 1915(e)(2), 1915A. The M&R recommends that the Court dismiss with prejudice Plaintiff's claims against Defendants as frivolous and for failure to state a claim for relief pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). *Id.*

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. Plaintiff filed what the Court construes as objections to the M&R. (D.E. 16). Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a *de novo* review of the portions of the M&R to which Plaintiff's objections were directed, 28 U.S.C. § 636(b)(1), the Court **OVERRULES** Plaintiff's objections. (D.E. 16).

Accordingly, the Court **ORDERS** the following:

- (1) The Court **ADOPTS** the M&R in its entirety. (D.E. 11).

- (2) Plaintiff's claims against Defendants are **DISMISSED with prejudice** as frivolous and for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).
- (3) This dismissal shall be counted as a "strike" for purposes of 28 U.S.C. §1915(g) and the Clerk of Court is **INSTRUCTED** to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
October 14th, 2021